

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks are respectfully requested. By this Amendment, the specification is amended, claims 1 and 3 are amended, claim 2 is canceled, and new claims 4-6 are added. Accordingly, claims 1 and 3-6 are pending in this application.

The Patent and Trademark Office (PTO) objects to the specification for using claim numbers. Paragraphs [0006] – [0009] are amended to obviate the objections thereto. Accordingly, withdrawal of the objection to the disclosure is respectfully requested.

The PTO rejects claim 3 under 35 U.S.C. §112, second paragraph, asserting that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Based upon the above mentioned amendments to claims 1 and 3, withdrawal of these rejections is respectfully requested.

Claims 1-3 stand rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,330,498 to Rucky. In addition, claims 1-2 are rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,030,031 to Brown. Furthermore, claims 1-2 are alternatively rejected under 35 U.S.C. §102(b) over U.S. Patent No. 2,704,190 to Schmale et al. (“Schmale”). Based upon the amendments to claims 1 and 3, these rejections are respectfully traversed.

A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently.

As amended, independent claim 1 recites, *inter alia*, a drain cleaner comprising an equal width strip body having “two edges disposed along a longitudinal direction of the strip body ...wherein the strip body is provided with flexible members disposed on both edges of the strip body, the flexible members being configured to make close contact with an abutting surface along the longitudinal direction of the strip body.” Neither Rucky, nor Brown, nor Schmale discloses, teaches or suggests these features.

Rucky appears to only disclose a holder for a “conventional type” garden hose (*see* column 1, lines 36-47). Nowhere does Rucky disclose, teach, or suggest a strip body as recited in amended claim 1, having flexible members disposed on both edges of the strip body.

Similarly, Brown only appears to disclose a barrier-forming device that includes an elongated fabric tube 10 open at one end. More specifically, at column 3, lines 24-25, Brown appears to disclose

wherein tube 10 is substantially cylindrical in distended cross-sectional configuration. Applicant respectfully submits that such a tube as disclosed by Brown is not a strip body and is devoid of edges having flexible members disposed thereon.

In a similar manner, Schmale appears only to disclose a flexible lawn sprinkler tube and fails to disclose, either directly or inherently, flexible members disposed on edges of the tube. Indeed, nowhere does Schmale disclose, teach, or suggest wherein the tube has edges at all.

Furthermore, Applicant respectfully submits that all of the asserted references relate to inflatable tubes and as such, the presence of edges and furthermore, the presences of flexible members disposed on the edges would be disadvantageous to their intended purpose. Accordingly, the asserted references fail both to disclose either directly or inherently edges with flexible members.

Accordingly, because neither Rucky, nor Brown, nor Schmale discloses, teaches or suggests each and every limitation recited in claim 1, the rejection of claim 1 under 35 U.S.C. §102(b) is improper. Applicant respectfully submits, therefore, that independent claim 1 is patentable over each of the asserted references.

Claim 3 depends from independent claim 1 and is likewise patentable over the applied references at least for its dependence on claim 1, an allowable base claim, as well as for additional features it recites. In addition, new claims 4-6 are added, wherein the features of the invention are clearly defined in detail.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1 and 3-6 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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